

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GEORGIA SOUTHWESTERN
RAILROAD, INC., a Corporation,

Plaintiff,

vs.

AMERICUS C. MITCHELL, JR.,
an Individual,

Defendant.


CASE NO. 2:06cv3-B

MOTION FOR SUMMARY JUDGMENT

NOW COMES AMERICUS C. MITCHELL, JR., the defendant herein, by and through his attorneys, and moves to the Court to enter an order dismissing the plaintiff's claims and, for reason, this defendant says that there is no genuine issue as to any material fact, and that this defendant is entitled to judgment as a matter of law.

This motion is based upon the pleadings, the affidavit of A. C. Mitchell, Jr., and the deposition of Georgia Southwestern Railroad, Inc. (30)(b)(6) representative, Terry Small.

Respectfully submitted,



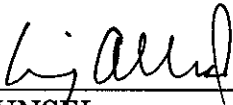
DAVID E. ALLRED
D. CRAIG ALLRED
Attorneys for Above-Named Defendant

OF COUNSEL:
DAVID E. ALLRED, P.C.
Post Office Box 241594
Montgomery, Alabama 36124-1594
Telephone: (334) 396-9200
Facsimile: (334) 396-9977
E-mail: dallred@allredpclaw.com
callred@allredpclaw.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 11th day of September, 2006 filed the foregoing *Motion for Summary Judgment* with the Clerk of the Court for the United States District Court for the Middle District of Alabama, Northern Division, using the CM/ECF system, which will send notification of such filing to:

Adrian D. Johnson, Esq.
PARNELL & CRUM, P.A.
Post Office Box 2189
Montgomery, Alabama 36102-2189



OF COUNSEL